

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL C. CLINE,

Plaintiff,

V.

CITY OF SEATTLE, et al.,

Defendants.

No. C06-1369P

ORDER ON DEFENDANT RAY
WARD'S MOTION FOR SUMMARY
JUDGMENT

This matter comes before the Court on a motion for summary judgment by Defendant Ray Ward. (Dkt. No. 32). In his response to this motion, Plaintiff indicates that he and Mr. Ward have agreed: (1) Plaintiff will not oppose dismissal of his claims against Mr. Ward; and (2) Mr. Ward will not seek costs from Plaintiff. In his reply brief, Mr. Ward confirms this agreement.

In light of their agreement, the parties could have resolved this matter more efficiently by submitting a stipulation and proposed order for dismissal of Plaintiff's claims against Mr. Ward, rather than informing the Court of their agreement through their respective summary judgment briefs. In any case, the Court finds that Mr. Ward is entitled to summary judgment. Plaintiff has not opposed the motion and has not raised a genuine issue of material fact as to whether Mr. Ward acted under color of state law for purposes of a claim under 42 U.S.C. § 1983. Plaintiff also has not offered evidence

1 that Mr. Ward was involved in a conspiracy under 42 U.S.C. §§ 1985 or 1986 or that Mr. Ward may
2 be regarded as a governmental authority subject to suit under 42 U.S.C. § 14141.

3 Therefore, the Court GRANTS Mr. Ward's motion for summary judgment. Plaintiff's claims
4 against Mr. Ward are DISMISSED with prejudice. Because Mr. Ward has indicated that he will not
5 seek costs if his motion is granted, Plaintiff's claims against Mr. Ward are dismissed without costs to
6 either side.

7 The clerk is directed to send copies of this order to Plaintiff and to all counsel of record.

8 Dated: April 9, 2007

9 s/Marsha J. Pechman

10 Marsha J. Pechman
11 United States District Judge

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